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CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery on its twenty-third session

Chairperson-Rapporteur: Mrs. Halima Embarek Warzazi

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Introduction

1. Upon the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Economic and Social Council, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a five-member working group to review developments in the field of slavery, the slave trade and the slavery-like practices, of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as defined in the Slavery Convention of 1926, the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Working Group was established in 1975 and has met regularly before each session of the Sub-Commission. In its resolution 1988/42 of 8 March 1988, the Commission on Human Rights endorsed the Sub-Commission's recommendation that the name of the Working Group should be changed to "Working Group on Contemporary Forms of Slavery".

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

2. The Working Group held its twenty-third session from 18 to 28 May 1998. It held 14 meetings. The session was opened by Ms. Mary Robinson, United Nations High Commissioner for Human Rights, who made a statement in which she condemned all contemporary forms of slavery. The High Commissioner praised the Working Group for its dynamism and, in particular, for the fruitful dialogue established between States and the Working Group on the question of the ratification of the conventions relating to slavery and on other questions. She assured the Group of her strong commitment to support those combating the trafficking of women and children in Central and Eastern Europe and in Asia. She stressed that the victims of contemporary forms of slavery were characterized by their poverty and by their vulnerability and underlined the existence of new forms of slavery more complex and evil than ever, such as child sexual commercial exploitation and child labour. She encouraged the Working Group to promote cooperation and collaboration with other United Nations bodies. The High Commissioner welcomed the flexibility of the Working Group which had enabled it to take account of all developments in contemporary forms of slavery.

3. In accordance with the Sub-Commission decision 1997/111, the composition of the Working Group was as follows: Ms. M. Ferriol Echevarría, Ms. H.E. Warzazi, Mr. I. Maxim, Mr. D. Weissbrodt and Mr. Y. Yokota.

B. Documentation

4. The Working Group had before it at its twenty-third session a number of background documents relevant to the issues being discussed, as well as the following documents prepared for the session:

E/CN.4/Sub.2/AC.2/1998/1	Provisional agenda
E/CN.4/Sub.2/AC.2/1998/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/1998/2	Status of the conventions: note by the Secretary-General
E/CN.4/Sub.2/AC.2/1998/3	Status of the conventions: note by the Secretary-General
E/CN.4/Sub.2/AC.2/1998/4	Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery: report of the Secretary-General
E/CN.4/Sub.2/AC.2/1998/CRP.1	Working paper submitted by IMADR

C. Election of the Chairperson-Rapporteur

5. At the 1st meeting, held on 18 May 1998, the Working Group elected Ms. H.E. Warzazi Chairperson-Rapporteur by acclamation. The Chairperson made a statement in which she noted the increasing attention that the international community was paying to contemporary forms of slavery such as child labour, the sexual exploitation of children and sex tourism. In that connection, she welcomed the fact that more countries were enacting laws enabling them to prosecute their nationals for acts committed abroad when such acts had been committed against children. She also commended the initiative by the World Tourism Organization to organize a meeting to study ways of combating sexual tourism and the action taken by tourism professionals to combat sexual tourism.

D. Participation

6. The following States Members of the United Nations were represented at the Working Group's meetings by observers: Belgium, China, Democratic People's Republic of Korea, Haiti, India, Japan, Mauritania, Nepal, Republic of Korea, Russian Federation, United Arab Emirates.

7. The following non-member State was also represented by an observer: Holy See.

8. The Office of the United Nations High Commissioner for Refugees was represented by an observer, as was the International Labour Organization.

9. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Anti-Slavery International, Coalition against Trafficking in Women, Foundation of Japanese Honorary Debts, International Council of Women, Federation International Terre des Hommes, International Fellowship of Reconciliation, International Movement against All Forms of Discrimination and Racism, International Service for Human Rights, Liberation, Pax Romana, World Federation of Democratic Youth, World Federation of Methodist and Uniting Church Women.

10. The Action for Children Campaign, which supplied information to the Working Group, was represented by observers with its consent.

11. The NGOs Maiti Nepal, Netherlands Foundation for Japanese Honorary Debts and Visayan Forum Foundation were also represented by observers.

II. ADOPTION OF THE AGENDA

12. At the 1st meeting the Working Group adopted its agenda on the basis of the provisional agenda (E/CN.4/Sub.2/AC.2/1998/1).

III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

A. Status of the conventions

13. In connection with the consideration of agenda item 3 (a), the Working Group had before it reports on the status of the conventions on slavery (E/CN.4/Sub.2/AC.2/1998/2 and E/CN.4/Sub.2/AC.2/1998/3). As had been the case each year since 1991, the Working Group also had at its disposal a list of the countries which had not ratified the conventions.

14. The Working Group, being still concerned at the slightness of the increase in the number of States which had ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949 Convention), paid particular attention to the countries which had not yet ratified the Convention. In accordance with a practice established at its nineteenth session, the Working Group invited through the Secretariat certain representatives of States which had not yet ratified the Convention to meet with the members of the Working Group for an informal exchange of views.

B. Review of information received regarding the implementation of the conventions and programmes of action

15. The members of the Working Group noted that the non-ratification of the conventions on slavery by some States was the result of lack of knowledge and understanding of contemporary forms of slavery and of the conventions themselves.

16. At its twenty-second session the Working Group had encouraged the International Movement against All Forms of Discrimination and Racism (IMADR) to submit at its twenty-third session an analysis of the current international regime against trafficking in persons and the exploitation of prostitution. As a follow-up to the request a working paper entitled "Strengthening the international regime to eliminate the traffic in persons and the exploitation of the prostitution of others" was submitted to the Working Group on the first day of the session.

17. IMADR had been compelled to act by the contemporary manifestations of trafficking, which included the globalization of the international sex trade, increased syndication and organization of the traffickers and diversification in the nature of exploitation.

18. IMADR had discovered that in the almost 50 years since the signing of the 1949 Convention, the problems of trafficking had become more pernicious and pervasive. Trafficking networks had become more organized and powerful; government officials, community members and even families now looked to prostitution as a necessary if not legitimate means of income generation and the demand for trafficked persons was unrelenting.

19. For those working against trafficking and for the empowerment of the victims and survivors of trafficking, the challenges had increased. Various international laws penalized trafficking in women for prostitution but those laws required implementation. Numerous and various types of institutions, organizations and groups directed their efforts towards the elimination of trafficking. However, States and non-governmental organizations continued tc be divided by conceptual tensions such as the appropriate definitions and scope of the terms "trafficking", "prostitution" and "the exploitation of prostitution", as well as the best means of decriminalizing the behaviour of survivors of trafficking.

20. IMADR had concluded that it was no longer sufficient merely to oblige States to prevent and punish trafficking and the exploitation of the prostitution of others. Measures to prevent trafficking must be specific, comprehensive, and form a coherent whole. To combat meaningfully the traffic in persons and address its accompanying evils, it was necessary to: (i) empower the victims and survivors of trafficking by ensuring their right to, inter alia, bring civil suit against their traffickers; (ii) facilitate the work of non-governmental organizations through mechanisms for their increased participation in the making and monitoring of national and international agendas; (iii) penalize the culprits of trafficking and better correlate the punishment to the crime; (iv) strengthen and monitor the implementation of the 1949 Convention through enhanced State reporting procedures, individual complaints procedures, and mandatory national plans of action; and (v) foster fact-finding and consensus-building through the mandate of a special rapporteur and/or body of experts.

21. In view of the importance of the study, the Working Group requested that the analysis be considered as a document of the Working Group (E/CN.4/Sub.2/AC.2/1998/CRP.1) within the framework of its mandate.

Consolidation and review of the conventions on slavery

22. The Working Group recalled the large number of international instruments relating to slavery, including the relevant provisions of the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the 1926 Slavery Convention; the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; and International Labour Organization Convention No. 29 on Forced Labour. The Working Group continued to receive information about and be aware of the contemporary manifestations of slavery-like practices, including debt bondage, exploitation of child labour, forced labour, illicit traffic in migrant workers, and traffic in women and children for prostitution. The Working Group was concerned, however, that contemporary forms of slavery might not be

covered by existing international instruments and that there did not exist an effective monitoring mechanism for responding to those practices. Accordingly, the Working Group asked David Weissbrodt and Anti-Slavery International, in consultation with non-governmental organizations having an established record in this field, to prepare a comprehensive review of existing treaty and customary law covering all the traditional and contemporary slavery-related practices and relevant monitoring mechanisms.

IV. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND REPRESS ALL CONTEMPORARY FORMS OF SLAVERY, INCLUDING THE STRUGGLE AGAINST CORRUPTION AS A PROMOTING FACTOR

23. The phenomenon of corruption is one of today's great problems; it affects societies in different fields and has spread to the highest social spheres in different proportions. It seems to be becoming an inescapable element in the struggle against contemporary forms of slavery. The Working Group considered that as part of its analysis it was essential to consider the role of corruption, analyse it, condemn it and find answers to it.

24. According to NGOs and members of the Working Group, corruption supported slavery. Police, judges and politicians around the world protected or participated in slavery. The observer for Anti-Slavery International stated that when police and Government were corrupt they ensured that slavery was practised with impunity.

25. It was noted that one of the basic findings of a study carried out by Anti-Slavery International concerning the relationship of slavery and corruption was that the threat of violence was ever-present.

A. Economic exploitation

1. Domestic and migrant workers

26. On the recommendation of some NGOs, the Working Group at its twenty-second session had decided to give priority to the consideration of the question of domestic and migrant workers. The discussions on this question focused on the situation of children.

27. According to the ILO, among the forms of labour exploitation described as the most intolerable forms of child labour were debt bondage, child prostitution, hazardous work and domestic work. For that reason, ILO was in the process of drafting a new labour convention on this subject.

28. Violence and sexual abuse were among the most serious and frightening hazards facing children at work. It was almost inevitable that children growing up in such an environment would be permanently damaged, both psychologically and physically. Child domestic workers were particularly subject to such abuse. The majority of child domestic worker tended to be between 12 and 17 years old, but some surveys had identified children as young as five. Their hours of work tended to be long: child domestic workers were the first to wake up and the last to go to sleep.

29. Anti-Slavery International (ASI) brought to the Working Group's attention a number of practical measures adopted by NGOs working at the national level that had made a real improvement in the lives of child domestic workers. ASI had organized an international meeting of NGOs in the Philippines to share information and programmatic experience on the issue of child domestic workers. Much useful information was provided by NGOs at the meeting regarding "best practice" for improving the situation of child domestics at the local and national levels. Organizations trying to help child domestic workers had, for example, succeeded in setting up "drop-in centres" where children could meet and talk with others, thereby breaking their isolation. It was interesting that none of the NGO initiatives had started out by trying to ban the employment of young children as domestics, although this might in fact be their goal. Their purpose was rather to offer those children an alternative to a life of only work.

30. A clarification of international standards might help, but at the moment the major challenge was to identify the most effective ways of changing the behaviour of both employers and families who seemed happy to supply their young children to work for others.

31. Two representatives of local NGOs from the Philippine and Haiti attending the Working Group requested a strong condemnation of child domestic workers as a contemporary form of slavery and support for their rehabilitation programmes. In that context, the Working Group saw a video on child domestic labour in Haiti.

32. The observer for Anti-Slavery International informed the Working Group about the historical neglect of child domestic workers. He focused on two main problems, how domestic work hindered child workers and how it violated their rights as children, and informed the Group about the existing strategies in several countries. According to the observer, such employment arrangements were generally informal, which caused domestic workers to be under-reported. The fact that they were employed in scattered private households made them invisible, separated from their families and difficult to reach. They were mainly recruited by relatives, fellow villagers, friends or illegal recruiters.

33. Child domestic workers had difficulties in developing into productive adults. Aside from being abused, they were also usually subjected to verbal intimidation such as name-calling, insults, constant threats, fault-finding, shouting and screaming by their employers. They worked on average 15 hours a day and were on call 24 hours a day, whenever their employers wanted them to do something.

34. Very few of the child domestic workers had social activities. They had very low self-esteem. Whatever abuses they encountered at work tended to be accepted as "part of the job". The attitude of unquestioning acceptance pacified them and was frequently used as a justification for not taking legal action. If conflicts arose, the parents usually settled the case out of court because of the employer's superior financial standing; in any case, they had little hope of success. An identity crisis confronted these children because of their conflicting roles as workers and children. They were forced to adopt different personalities according to the various whims of their employers.

35. Working children sacrificed in many instances their right to an education. Child domestic workers were one of the most difficult sectors to protect, and one of the lowest paid.

36. Mr. Weissbrodt expressed his deep concern for the often ignored practice of forced domestic workers and for the continuing violations of the human rights of children forced into domestic servitude which often became akin to slavery. Child domestic service was a widespread practice in many countries, with employers in urban areas often recruiting children from impoverished rural areas. One example of the abuses faced by child domestic workers was the practice of "restavek" (reste avec, or stay with), a common practice in Haiti whereby children, usually from impoverished rural families, were given to urban families. In theory, the practice was intended to benefit the child by giving him or her access to a better education, diet and socio-economic status in exchange for household labour. In reality, the vast majority of restavek children were used as a source of free labour. The practice of restavek exacerbated Haiti's severe poverty. In most cases, the adult who grew up as a restavek child had extremely limited opportunities to change the circumstances of her/his life as she or he grew older because of the limitations on education and development inherent in restavek situations.

37. While the existence of poverty among children and the general public in Haiti did not justify the practice of restavek, it was clear that it would be extremely difficult to stop restavek as long as Haitians in general - and in particular those living in the rural areas - remained in desperate poverty. Similar situations were found in other countries.

38. The only effective way of protecting those children was to abolish the practice altogether. Furthermore, any attempt to "improve" the conditions under which children worked might have the unintended effect of expanding the practice of using children as domestic servants. Recognizing the complexity of the issue, Mr. Weissbrodt proposed that the Working Group urge all States, while attempting ultimately to eliminate the phenomenon of child domestic labour, to adopt and enforce measures and regulations to protect child domestic workers.

39. He concluded by suggesting that the Working Group recommend that the ILO include domestic child labour as a form of intolerable child labour in the new ILO draft convention.

40. The Working Group had decided to give priority to the consideration of the question of domestic and migrant workers on the recommendation of some NGOs at its twenty-second session. In examining the situation of migrant workers, the Working Group paid special attention to the question of domestic migrant workers, in particular young girls. The members of the Working Group recalled that at its last session they had been given disturbing information concerning the status, or lack of status, of migrant workers, in particular domestic workers in several Western European countries. They recognized that safeguarding the rights of those persons required protecting their rights as workers and, in most cases, protecting their rights as women as well. Those workers had no rights and became the property of their employers, who could use them as they pleased.

41. The debate left the Working Group even more convinced of the need to give priority attention to migrant and domestic workers.

42. The Working Group proposed to encourage "employer countries", their Governments and parliaments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

2. Bonded labour

43. Non-governmental organizations had submitted information considered very useful by the members of the Working Group.

44. The observer for ILO said that debt bondage was one of the principal abuses categorized as being similar to slavery and prohibited by the 1956 Supplementary Convention on the Abolition of Slavery. The observer for the Coalition against Trafficking in Women informed the Working Group that debt bondage was one of the major elements in trafficking of women: victims of trafficking were sometimes required to sign debt contracts and it became impossible for them ever to pay back the debt.

45. Debt bondage was reported to affect migrant workers around the world in both developing and industrialized countries, particularly in unregulated sectors where coercion was common, such as domestic service and the sex industry. Debt bondage was a genuinely serious and horrendous violation of human rights which required urgent attention.

46. NGO observers agreed that in order to eliminate child and bonded labour, it would not be enough merely to turn the children concerned out on the streets; they should be given the possibility of receiving proper, full-time education. They were convinced that the solution for children was education and schooling. As had been noted, an alternative solution should be offered to children. According to the Special Rapporteur on the sale of children, child prostitution and child pornography, the complete eradication of the phenomenon was not the solution, as it would have the adverse effect of driving children onto the street. The most practical solution would be to proceed step by step.

47. The observer for India gave a detailed report on legislative and other measures that his country had adopted and implemented to combat the scourge of child and bonded labour. The Working Group then called upon countries facing similar problems to take all appropriate steps, both nationally and internationally.

48. The observer for Anti-Slavery International suggested that the Working Group develop a programme of Action on the exploitation of child labour and on the trafficking of women.

3. Child labour

49. According to the observer for ILO child labour remained a serious problem in the world. There were at least 120 million working children between the ages of 5 and 14. They were found in mines, in factories making glass bangles, matches and fireworks, in deep-sea fishing, in commercial

agriculture and so on. The list was endless, as were the dangers and hazards and their consequences. Statistics on child labour were elusive not only because of the special and practical difficulties involved in the design and implementation of child labour surveys but also because of differences in perception about what constituted child labour, and even what constituted a child.

50. During the past few years there had been increased interest in targeting efforts to abolish child labour in its worst forms. The policy of ILO was to abolish child labour and the work on the new standards was to complement what ILO had already done. The basic principle of the ILO minimum age Convention No. 138 was that each State party should undertake to pursue a national policy designed to ensure the effective abolishment of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The proposed new convention would protect all children under 18 years old from extreme forms of child labour (slavery, forced labour, trafficking, prostitution, pornography, illegal activity, hazardous work), ensure effective enforcement, and provide for criminal penalties, measures for prevention and rehabilitation, and international cooperation and assistance.

51. The Working Group had invited the Committee on the Rights of the Child to take part in its work. Ms. Judith Karp, Mr. Yury Kolosov, Ms. Lisbeth Palme and Mr. Ghassan Rabah, members of the Committee on the Rights of the Child, met with the members of the Working Group at its twenty-third session. All the experts welcomed the opportunity of holding their first joint meeting. Mrs. Karp stressed the fact that the majority of the victims of contemporary forms of slavery were children.

52. The joint meeting gave to each body a clear idea of the other's mandates and of the goals that they shared. Since one of the tasks of the Committee on the Rights of the Child was to encourage States to ratify the various international instruments concerning children, the Committee might include in its examination of States parties reports their implementation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Supplementary Convention on the Abolition of Slavery. The members of the Committee suggested that the organizations which provided the Working Group with information and those which provided the Committee with information should exchange data that might be useful to both bodies.

53. The members of the Working Group thanked the members of the Committee on the Rights of the Child for their availability and stressed the need for the two bodies to work together in close cooperation and to exchange all relevant information.

54. A student and a teacher from Archway School, in the south-west of England, sponsored by the Action for Children Campaign spoke about the activities of the school, in particular in Bosnia and Herzegovina and Morocco. The school's aim was to develop among its students a strong sense of commitment to the global community. In common with all schools in the United Kingdom, the students had raised money in order to support important causes throughout the world. In the next five years, the school would undertake several projects within its "schools together" programme involving schools in Pakistan, Sri Lanka, India, Brazil and Morocco.

B. Sexual exploitation

1. Suppression of the traffic in persons and of the exploitation of the prostitution of others

55. In addition to its paper on trafficking, IMADR submitted to the Working Group a draft paper entitled "Trafficking in women in Asia, from recognition to response".

56. Mention was made of the problem of the use of telecommunications, particularly the Internet, to promote child pornography. The members of the Working Group were concerned about that matter; access by children to adult pornography could encourage such practices.

57. The observer for the Coalition against Trafficking in Women addressed the Working Group on the subject of the use of the Internet for global sexual exploitation of women and children and presented a video on the subject. She affirmed the need to protect the rights of the victims, to rehabilitate them and to allow them to return to their country of origin only if they so wished. It was crucial for victims of trafficking and prostitution to be treated as victims and not as delinquents. It was essential in that respect to train civil servants dealing with such victims and to educate civil society.

58. The Internet had become the latest "place" for promoting the global trafficking and sexual exploitation of women and children. Sex tourism, bride trafficking and prostitution were among the forms of sexual exploitation to be found on the Internet, and an examination of advertisements on the Internet revealed the links between them.

59. Mr. Maxim expressed his concern about the perversion aspect of the Internet. He stated that this aspect of the Internet was contributing to the immorality of the world. Measures had to be taken to protect human values.

60. The reinforcement of family values and the consequences that could follow their disappearance were highlighted.

61. The Working Group decided that at its twenty-fourth session it would focus in particular on trafficking of women and children. NGOs were invited to present material on that subject. The High Commissioner was also requested to prepare in time for its twenty-fourth session a review of recent information concerning trafficking in women and children and responses which could be made to such trafficking at the national and international levels.

2. Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

62. The observer for Maiti Nepal, whose participation was funded from the United Nations Voluntary Fund on Contemporary Forms of Slavery, stated that every year more than 1 million children worldwide were reportedly trafficked and sold for sexual purposes. Girls were forced into prostitution and denied their human rights and dignity by the mental and physical abuse they endured. Poverty, illiteracy, harmful cultural practices, money, power, political

forces, tourism and, above all, girls' low status in society encouraged and sustained their sexual exploitation. This sexual servitude was maintained through covert coercion, physical abuse, emotional blackmail, economic deprivation, social isolation and death threats.

63. In Nepal the problem was very acute. Each year, it was estimated that 5,000-7,000 girls (13-15 per day) were trafficked to major cities in India. The primary tasks in ending the trafficking were to break the silence or to shine a light on the problem. Activities included stepping up public information campaigns, ensuring increased media coverage of issues, monitoring and sharing information, and exposing the perpetrators publicly. Awareness programmes for the affected communities could target both adults as well as girl children at risk.

64. Ms. Ofelia Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography, stressed the importance of collaboration and cooperation with Governments. She invited human rights advocates to provide detailed information on what was being done in various countries. On a very basic level, there was no disagreement: childhood should be for fun, but unfortunately very few countries had the possibility to ensure this and the reality was very different. Child domestic work and prostitution should be discouraged and an alternative should be made available to those children. Parents, workers, employers and Governments should be made aware of the reality and take responsibility. The Special Rapporteur encouraged NGOs to implement programmes for children step by step: as a beginning they could start by offering some games and fun for children on their day off.

65. Ms. Ferriol Echeverria underlined that the commitment of Governments and national institutions was very important and that Governments, non-governmental organizations and intergovernmental organizations should work together to promote respect for children and achieve the goals of the Convention on the Rights of the Child in each society. Governments should have a total commitment to education.

66. The Special Rapporteur promised to include in her next report information on the link between labour and prostitution. The Special Rapporteur also informed the Working Group that little girls were not the only victims of prostitution: boys were becoming more and more vulnerable. She cited the example of Sri Lankan "beach boys".

67. Mr. Yokota stated that the fundamental cause of child domestic workers and prostitution was poverty. Poverty was prevalent throughout the world and if it was removed the whole problem would be solved.

68. The observer for the Coalition against Trafficking in Women said that trafficking and organized prostitution were inextricably connected and shared fundamental characteristics. The victims targeted were the same: poor women and children from the third world. The customers were also the same: men with disposable incomes. She expressed the view that the international community, by failing to adequately criticize prostitution, in effect legitimized it.

69. The most problematic distinction that had recently emerged was that between "forced" and "voluntary" prostitution. That distinction created the idea that prostitution was freely chosen, an idea that could be maintained only by ignoring all of the social conditions that forced women and girls into sexual exploitation.

70. The observer felt that Governments, especially those of poor countries, realized that they could reduce their unemployment rate and increase their gross national product by tolerating prostitution; when Governments viewed prostitution merely as "sex work" for women, they were collaborating in organized prostitution, sex tourism and trafficking and contributing to their increase. Second, when prostitution was accepted by society as merely "sex work", it became even more difficult for women and girls, socialized into an ethos of self-sacrifice, to resist economic and familial pressures to enter prostitution. Third, when prostitution was recognized by society as "sex work", legalization often followed

71. It was true that criminal sanctions had not worked in eliminating prostitution, but that was because in most instances they had been directed against the victims.

C. Other forms of exploitation

1. Illegal activities of certain religious and other sects

72. Mrs. Warzazi, Chairperson of the Working Group, mentioned in connection with this point, in view of the lack of material, a programme broadcast by a French television station on the sect known as the "Order of the Temple of the Sun" and on the accounts given by victims who had been able to escape its hold. The sect used hypnosis in order to dominate its followers entirely. The gurus, who could only be men, demanded absolute submission and obedience from their followers. They first had to renounce their property and money before becoming members of the sect. The same applied to the followers of the "Golden Way Foundation".

73. Members of those sects were slaves because they worked endlessly and the gurus made them lose any idea of time by using subterfuges, disguises and tricks.

74. Mr. Maxim stressed the involvement of sects in terrorism, drugs and money laundering. He cited the case of a sect that was well known in Japan.

75. The Working Group decided to study the question at its next session.

2. Illegal and pseudo-legal adoptions aimed at the exploitation of children

76. The Working Group decided to study the question at its twenty-fourth session.

3. Traffic in human organs and tissues

77. Participants again mentioned the difficulty of obtaining irrefutable proof of such traffic.

78. They recalled Commission on Human Rights resolution 1997/20 in which the Commission requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include an analysis of the question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question was required.

79. The Working Group decided to study the question at its twenty-fourth session.

4. Activities of the Special Rapporteur on violence against women

80. Several NGOs, in particular Liberation and the Foundation of Japanese Honorary Debts, as well as the observer for the Democratic People's Republic of Korea, called upon the Japanese Government to pay compensation to the survivors of military sexual slavery during the Second World War, to fully disclose all documents relating to this slavery, to make a public apology to the victims of these atrocities in writing, to revise its textbooks and to take other measures as recommended by the Special Rapporteur on violence against women in her report to the Commission on Human Rights at its fifty-second session.

81. The observer for the Coalition against Trafficking in Women supported those NGOs and added that the roots of the contemporary sex industry lay in the sexual exploitation and abuse of thousands of South-East Asian girls and women by United States military forces during the Viet Nam war. Military prostitution had continued since that time with the sexual exploitation and abuse by United States military personnel of the women and girls on and around the bases located in the Republic of Korea, Okinawa, Japan, and, until recently, Subic Bay and Clark Air Base in the Philippines. Governments with military personnel stationed abroad must take strong measures to prevent these abuses and to bring solutions to problems deriving from such sexual exploitation. The observer assured the Working Group that if those atrocities were not remedied, similar atrocities would be carried out against new victims.

82. The observer for the Action for Children Campaign recalled that it was in 1995 that he first took an active interest in the British and Allied civilians who were interned by the former Japanese Imperial Forces. Real progress had been made because of the dialogue with the Japanese Government. He believed that the question of an "apology" could be settled but it required better understanding between the peoples involved.

83. During the adoption of the recommendations, the observers for the Republic of Korea and the Democratic People's Republic of Korea and some NGOs expressed their disappointment that the issue of violence against women, more specifically comfort women, was not reflected in the recommendations.

84. Mr. Weissbrodt replied that in order to avoid duplication the Working Group looked forward to the report on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict which would be submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities this year.

V. UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

85. In the context of its consideration of the situation of the Voluntary Trust Fund on Contemporary Forms of Slavery, the Working Group had before it the report of the Secretary-General on the Voluntary Trust Fund (E/CN.4/1998/89).

86. The members of the Working Group drew attention to the initiatives they had taken at the twenty-first session in order to find a solution to the problems faced by the Voluntary Trust Fund (E/CN.4/Sub.2/1996/24, paras. 22-34).

87. The observer for the Board of Trustees of the Voluntary Trust Fund recalled that, because of financial and other difficulties, the Board of Trustees had been unable to meet this year. The Chairperson of the Working Group stressed the need for cooperation between the Working Group and the Board of Trustees, as well as the importance of the participation of one or more members of the Board of Trustees in the work of the Group.

88. The Secretary of the Board of Trustees informed the Working Group that two persons representing an NGO from Nepal had been able to participate through the Voluntary Fund.

89. Among them was Anita, a child victim of trafficking and prostitution. Anita told the Working Group what she had gone through, from Nepal to India. She conveyed her experiences eloquently - the resultant suffering and marginalization as a victim of the practice of trafficking in women and children - and appealed to the Working Group to stop the spread of that suffering and for the implementation of necessary measures to settle the question of trans-border trafficking.

90. Mr. Yokota thanked the young girl and applauded her courage. He remarked that she had brought trans-border activity to the attention of the Working Group. The action of one country was not sufficient to eliminate trans-border activities. Victims of trans-border activities were totally isolated due to the cultural context in which they found themselves, including the inability to communicate.

91. The observer for India, referring to Anita's case, said that it was often not poverty alone but poverty compounded by other factors which drove individuals into exploitative situations. The Government of India had been

alive to the menace of sexual exploitation from the earliest times, and was pursuing with much determination the elimination of trafficking in women and children as well as child prostitution. He described to the Working Group the extensive framework that had been put into place to protect women and children from commercial sexual exploitation and trafficking.

92. The observer for Nepal said that his Government was well aware of the problem of trafficking in women and girls and was taking steps. As the root of the traffic lay in poverty, the Government was taking steps, including legislative steps, in the fields of education and provision of basic social services. Nepal needed broad international cooperation and support so that society was able to combat such exploitation.

VI. RECOMMENDATIONS ADOPTED AT THE TWENTY-THIRD SESSION

A. General considerations

93. The Working Group on Contemporary Forms of Slavery considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the conventions on slavery or any other relevant conventions, is a violation of basic human rights.

94. A review of the information provided to the Working Group showed that despite the progress made in the protection of human rights and the preservation of human dignity all over the world, various forms of slavery still existed and new insidious forms of slavery were emerging. The Working Group considered as a matter of priority the question of child domestic workers, as decided at its twenty-second session. It also considered the issues of bonded labour, sexual exploitation, especially of children, the traffic in persons, the activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and other items on its agenda.

95. The Working Group welcomed the participation of a number of representatives of Governments and non-governmental organizations. However, the number of participants was lower than in the previous year. The Working Group took note with satisfaction of the statement by the representative of the International Labour Organization concerning the main lines of the future convention on extreme forms of child labour. It also noted with satisfaction the constant presence of the HCR representative. The Working Group wished to stress the importance of the joint meeting held by its members and the members of the Committee on the Rights of the Child. The Working Group also appreciated the contribution made by the Special Rapporteur on the sale of children, child prostitution and child pornography. It hoped that those contacts would become permanent.

96. The Working Group congratulated all participants on the fruitful dialogue, the spirit of cooperation they had demonstrated and the positive atmosphere in which the deliberations had been conducted.

B. Recommendations

97. The following recommendations were adopted by the Working Group at its twenty-third session.

1. General

The Working Group on Contemporary Forms of Slavery,

Having devoted its twenty-third session to an overall evaluation of various contemporary forms of slavery,

1. Expresses its gratitude to all participants for information relating to all forms of exploitation;

2. Considers that poverty and ignorance are the main causes of contemporary forms of slavery, and urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

3. Considers it necessary that all United Nations specialized agencies dealing with certain forms of contemporary forms of slavery cooperate with the Working Group and coordinate their activities in seeking an integrated approach to the various problems in the fields of slavery and the slave trade, including slavery-like practices in all their manifestations;

4. Considers that effective measures should be taken to assist in protecting the rights of those suffering from contemporary forms of slavery by drawing upon the expertise of, and improving coordination and cooperation between, different United Nations bodies, organs and legal instruments dealing, directly or indirectly, with issues relating to contemporary forms of slavery;

5. Welcomes the important role that non-governmental organizations play in raising the awareness of the public at the national and international levels as to the grave consequences of contemporary forms of slavery on women and children;

6. Again requests the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, as well as the activities of the Working Group on Contemporary Forms of Slavery in this field, and also requests that a similar campaign of awareness be promoted by the Department of Public Information of the Secretariat;

7. Notes that the status of ratifications of the two main conventions on slavery is still unsatisfactory;

8. Requests the Secretary-General to invite annually States which have not ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 to consider ratification and to establish an informal dialogue with the Working Group on the issue;

9. Calls upon States to respect the provisions of the above-mentioned conventions and requests the Secretary-General to invite them to submit to the Working Group regular information on the situation in their countries;

10. Recommends that the Sub-Commission on Prevention of Discrimination and Protection of Minorities continue to examine ways and means of monitoring the implementation of the Convention of 1949 and encourage the treaty bodies to pay particular attention to relevant provisions similar to those of the 1949 Convention;

11. Recommends that the United Nations Educational, Scientific and Cultural Organization, in cooperation with the Office of the United Nations High Commissioner for Human Rights and concerned non-governmental organizations, prepare a simplified presentation of the conventions on slavery for local populations;

12. Encourages States to promote the dissemination of information on the conventions;

13. Recommends once again that the General Assembly consider proclaiming 2 December as the day for the abolition of slavery in all its forms.

2. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Recalling also that the Trust Fund was established to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

Deeply concerned at the insufficiency of contributions to the Voluntary Trust Fund which prevents it from fulfilling its mandate effectively,

1. Expresses its appreciation for the participation at the twenty-third session of the Working Group of representatives of a non-governmental organization financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and for its valuable contribution to the work of the Working Group on Contemporary Forms of Slavery;

2. Expresses its support for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

3. Urges all Governments, non-governmental organizations, other private or public entities and individuals to contribute annually to the Trust Fund in order to enable the Fund to fulfil its mandate effectively;

4. Invites the members of the Board of Trustees of the Trust Fund to participate at the twenty-fourth session of the Working Group;

5. Decides to continue to examine the situation and the activities of the Trust Fund at its twenty-fourth session.

3. Traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Convinced that the traffic in persons and prostitution are incompatible with the dignity and worth of the human person,

Considering that the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is aimed at the elimination of trafficking in persons and the exploitation of the prostitution of others,

Concerned that numerous and pernicious manifestations of trafficking and related practices of sexual exploitation have arisen since the adoption of the 1949 Convention,

Recognizing that sex trafficking, sex tourism, sexual exploitation on the Internet and the exploitation of the prostitution of others are interrelated practices of gender discrimination that often constitute contemporary forms of slavery and usually inflict severe violations of human rights,

Alarmed by the globalization of sexual exploitation and its devastating impact on women and children, particularly women and children in developing countries,

Aware that male consumers, often from developed countries, bear significant responsibility for increased trafficking and the exploitation of the prostitution of others,

Considering that in order further to achieve the purposes of the 1949 Convention and the implementation of its provisions, it is necessary to empower women in general and the victims and survivors of trafficking and

the exploitation of prostitution, in particular; facilitate the efforts of non-governmental organizations working with and for the victims and survivors of trafficking and the exploitation of prostitution; penalize the perpetrators of trafficking and those who exploit the prostitution of others; strengthen the implementation of the 1949 Convention; and foster fact-finding and consensus-building regarding issues of international debate and contention,

Noting the need for up-to-date information on current situations in regard to national and trans-border traffic in women and children, as well as what is being done to halt these practices,

Recalling the adoption by the Commission on Human Rights in its resolution 1996/61 of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1),

Welcoming General Assembly resolution 52/98 and Commission on Human Rights resolution 1998/30 concerning the traffic in women and girls and the exploitation of the prostitution of others,

1. Urges States to address the contributing factors to the traffic in persons and the exploitation of the prostitution of others;

2. Encourages States to enact and revise national laws to ensure adequate protection and assistance to victims and survivors of trafficking and the exploitation of prostitution, to develop and enforce laws and law enforcement strategies that depenalize these victims while penalizing those who exploit them, to provide for a system of civil compensation from their exploiters and to promote the reintegration of the victims and survivors of trafficking and related practices of sexual exploitation through the provision of shelter, counselling, medical care, legal services, education, job training and employment;

3. Encourages States to review, amend and enforce existing laws, or to enact new laws on trafficking, the exploitation of prostitution, forced labour and slavery-like practices to ensure that prosecution and punishment are appropriate to the seriousness of the crime;

4. Urges States to strengthen the monitoring, prosecution and punishment of police and government officials who are responsible for complicity in trafficking and the exploitation of prostitution, as well as to adopt policies for active monitoring, prosecution and punishment of such activities;

5. Once again invites States to formulate training manuals for law enforcement and medical personnel and judicial officers who handle cases of gender-based violence, taking into account current research and materials on traumatic stress and gender-sensitive counselling techniques, with a view to sensitizing them to the needs of the victims;

6. Encourages States to facilitate, through financial support and other means, the efforts of non-governmental organizations in their work in this field;

7. Encourages States to collaborate with non-governmental organizations which have expertise in the field to develop national plans of action in accordance with the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1996, to ensure the coordination of laws and implementing agencies relevant to the prevention of trafficking and the exploitation of prostitution and the empowerment of their victims and survivors, and to transmit such plans of action to the Working Group on Contemporary Forms of Slavery for its consideration;

8. Invites the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child to elaborate general recommendations to clarify State reporting procedures with regard to the traffic in persons and related practices of sexual exploitation;

9. Decides to follow closely the work being done on the proposed optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the proposed optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

10. Invites States, United Nations bodies, specialized agencies and intergovernmental, regional and non-governmental organizations to provide information to the Working Group at its twenty-fourth session on aspects of trafficking and the exploitation of the prostitution of others, as well as the measures taken or necessary to implement the 1996 Programme of Action;

11. Expresses its appreciation to the Special Rapporteur on the sale of children, child prostitution and child pornography for her role in making the sexual exploitation of children a matter of national and international concern and priority;

12. Invites the Special Rapporteur on the sale of children, child prostitution and child pornography to continue to address, within her mandate, the problem of trafficking and related practices of exploitation and to recommend specific measures to strengthen the regime against the traffic in persons and the exploitation of the prostitution of others;

13. Invites the Special Rapporteur on violence against women to follow up her investigation on the traffic in women and girls and related sexual exploitation as reflected in her report to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/47/Add.1) and to conduct studies and engage in a consultative process with Governments, non-governmental organizations and other interested persons on issues such as: (a) an assessment of the global sex industry and measures to identify and penalize the perpetrators of the global sex trade; (b) the legal status of prostitution and the decriminalization of the victims of trafficking and the exploitation of prostitution; (c) international standards regarding the prevention of trafficking and related practices of sexual exploitation and the protection of its victims; (d) the rights of victims and survivors of trafficking and the exploitation of prostitution, including the right to compensation from their exploiters; and (e) the responsibility of the customer in creating a demand for trafficking and the exploitation of the prostitution of others;

14. Decides to examine as a matter of priority, with the active participation of non-governmental organizations, the issue of the traffic in persons and the exploitation of the prostitution of others during its twenty-fourth session in 1999;

15. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the sale of children, child prostitution and child pornography to bring their contribution to the debate on the traffic in persons and the exploitation of the prostitution of others;

16. Encourages all interested States, United Nations bodies, specialized agencies, international, regional and non-governmental organizations and interested persons to participate actively in the debate;

17. Welcomes the initiative of non-governmental organizations to organize, without financial implications for the United Nations, a seminar on the issue of the traffic in persons and the exploitation of the prostitution of others, to take place immediately prior to the debate on the issue during the twenty-fourth session of the Working Group in 1999.

4. Prevention of the trans-border traffic in women and girls for sexual exploitation

The Working Group on Contemporary Forms of Slavery,

Deeply concerned that, in spite of the efforts of the international community and Governments, numerous women and girls throughout the world are forced into sexual exploitation,

Considering that trans-border trafficking is a major conduit for the sexual exploitation of women and girls,

Convinced that trans-border trafficking of women and girls for sexual exploitation is incompatible with the dignity and worth of the human person,

Noting that trans-border trafficking of women and girls for sexual exploitation is a violation of international treaty and customary law related to the protection of human rights, including provisions of the Slavery Convention of 1926, the Universal Declaration of Human Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and International Labour Organization Forced Labour, Convention No. 29 of 1930,

Recognizing that poverty, illiteracy, harmful cultural practices and, above all, the low status of girls in society contribute to the sexual exploitation of women and girls in general and to trans-border trafficking in particular,

Recognizing also that there is an urgent need for the international community, particularly Governments, to take effective measures to suppress trans-border trafficking of women and girls for sexual exploitation and to extend full protection to the victimized women and children,

1. Declares that trans-border trafficking of women and girls for sexual exploitation is a contemporary form of slavery and constitutes a serious violation of human rights;

2. Recommends that States take immediately effective measures to suppress the trans-border traffic of women and girls for sexual exploitation by rigorously applying relevant provisions of applicable treaties and conventions, customary international law and national legislation;

3. Urges States to review and amend existing laws, or to enact new laws to arrest, prosecute and punish the perpetrators of the trans-border traffic of women and girls for sexual exploitation;

4. Requests States to take appropriate legislative, administrative and judicial measures to extend full protection to the victims of trans-border trafficking of women and girls for sexual exploitation, regardless of their nationality, national origin, citizenship, or their legal status as aliens through measures such as depenalizing the victims and providing them with adequate shelter, food, clothing, medical care, counselling, legal services, education, job training and employment;

5. Requests States to cooperate, bilaterally and multilaterally, to monitor and regulate effectively trans-border trafficking of women and girls for sexual exploitation;

6. Recommends that the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women address, within their respective mandates, the problem of the trans-border traffic of women and girls for sexual exploitation and make recommendations to prevent and eradicate this problem;

7. Calls upon States, United Nations bodies, specialized agencies and international, regional and non-governmental organizations to cooperate in monitoring the problem of the trans-border traffic in women and girls for sexual exploitation and in identifying areas for immediate action, particularly with regard to the protection and empowerment of its victims;

8. Decides to address the issue at its twenty-fourth session in 1999.

5. The role of corruption in the perpetuation of slavery and slavery-like practices

The Working Group on Contemporary Forms of Slavery,

Convinced that corruption at different levels contributes in most cases to the continuation of slavery and slavery-like practices,

Considering that those who perpetuate and continue slavery and slavery-like practices use illegal means to capture and control the victims of slavery,

Concerned that when the rule of law is perverted, the enforcement of any law against slavery or slavery-like practices may cease to produce positive results,

Noting that information received from both non-governmental organizations and experts clearly identifies the role of corruption in the continuation of slavery and slavery-like practices,

1. Urges all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in women and children;

2. Urges States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes;

3. Encourages existing international arrangements which aim to improve the training and professionalism of law enforcement personnel as well as their respect for human rights;

4. Decides to consider further and in depth the extent and severity of corruption and the relationship of corruption to slavery and slavery-like practices;

5. Also decides to continue to examine this matter at its twenty-fourth session.

6. Misuse of the Internet for the purpose of sexual exploitation

The Working Group on Contemporary Forms of Slavery,

Acknowledging that the Internet can be a valuable medium of communication, and noting that article 19 of the Universal Declaration of Human Rights identifies the right to freedom of expression as a fundamental human right and that all recommendations must be implemented to protect this right,

Recognizing, however, that the Internet is the most unregulated communications network in the world with new technologies that present difficult challenges to national and international regulation and enforcement,

Alarmed that multiple forms of sexual exploitation, such as prostitution, sex tours, bride trafficking, pornography, live sex shows and rape videos for sexual entertainment, are promoted on the Internet, that the Internet is now the preferred site for the promotion of mail order brides, and that the Internet offers multiple forums in which the trafficking, prostitution and sexual exploitation of women and children are promoted,

Noting that the scope, volume and content of the material on the Internet promoting or enacting the trafficking, prostitution and sexual exploitation of women and children are unprecedented,

Aware that the content of some material on the Internet, such as men's sex tour diaries, incriminate men in acts of rape and enslavement of women and girls for the purposes of sexual gratification and domination,

Emphasizing that many of the practices of sexual exploitation on the Internet are characterized by domination, control and violence so extreme as to constitute slavery, serious violation of human rights and forms of sex discrimination,

Convinced that prostitution and the traffic in persons are incompatible with human dignity and well-being and that practices of the exploitation of the prostitution of others and trafficking in persons are incompatible with human rights,

Acknowledging that the women and children subjected to sexual exploitation on the Internet are often from countries suffering, inter alia, from poverty and armed conflicts and that the men using the Internet for the purposes of sexually exploiting women and children are often from developed countries,

Noting that the traffic in persons and the exploitation of the prostitution of others are highly profitable and illegal, and that those activities are increasingly being carried out by organized crime syndicates,

Convinced that heightened awareness of the harm to women and children sexual exploitation together with the political will to combat this harm will significantly reduce the extent of trafficking, prostitution and sexual exploitation on the Internet,

1. Recommends that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children;

2. Recommends that Governments and non-governmental organizations undertake further investigation of the misuse of the Internet for the purpose of promoting and/or carrying out trafficking, prostitution and the sexual exploitation of women and children;

3. Urges Governments to act more forcefully to eliminate the traffic in persons, the exploitation of the prostitution of others and sexual exploitation on the Internet;

4. Recommends that Governments and non-governmental organizations develop and implement educational programmes on the harm of trafficking, prostitution and sexual exploitation on the mental and physical well-being of women and children;

5. Urges Governments, in cooperation with interested non-governmental organizations, to develop educational programmes and policies and laws addressing the use of the Internet for the purpose of engaging in sexual exploitation;

6. Recommends that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

7. Calls for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking and prostitution of women and children, the globalization of this industry, and the misuse of the Internet to promote and carry out acts of sex trafficking, sex tourism, sexual violence and sexual exploitation.

7. Implementation of the Conventions of Slavery

The Working Group on Contemporary Forms of Slavery,

1. Welcomes the important role that non-governmental organizations play in raising awareness of the provisions of the conventions on slavery, in particular the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as in monitoring their implementation;

2. Recognizes the particular problem raised by the implementation of the provisions of these instruments for both States parties and the United Nations human rights mechanisms, as well as the limited progress made so far;

3. Calls upon Governments to recognize and accept national non-governmental organizations as privileged partners in cooperation for the purpose of identifying solutions aimed at eradicating all forms of slavery and slavery-like practices.

8. Child domestic workers

The Working Group on Contemporary Forms of Slavery,

Noting that the International Labour Organization will be considering a new convention on intolerable forms of child labour,

Recognizing the persistent human rights abuses inherent in the practice of exploiting children as domestic servants,

Recognizing also that the practice of exploiting children as domestic servants often violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and International Labour Organization Forced Labour Convention No. 29 on Forced Labour, of 1930,

Recalling the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13) and in particular the recommendations in chapter VI relating to various forms of slavery still in existence and new insidious forms of slavery,

Concerned that the issue of domestic child workers has not been addressed effectively at the international level,

1. Expresses its appreciation to the International Labour Organization for hosting the non-governmental round-table discussion on "Invisible child labour: girls and domestic workers" during the 1997 International Labour Conference;

2. Urges States, while attempting ultimately to eliminate the phenomenon of child domestic labour, to adopt and enforce measures and regulations to protect child domestic workers and to ensure that their labour is not exploited;

3. Recommends that the International Labour Organization continue to focus on the issue of child domestic workers and that the subject of child domestic work be more explicitly addressed in the new convention on intolerable forms of child labour;

4. Also Recommends that the International Labour Organization establish additional country programmes within its International Programme on the Elimination of Child Labour;

5. Expresses its deep appreciation to the Governments which have generously contributed to the International Programme on the Elimination of Child Labour and calls upon all Governments to make additional contributions to the Programme.

9. Child labour - a gender perspective

The Working Group on Contemporary Forms of Slavery,

Recalling that girls' work, although of high economic value, is often hidden, uncounted, unpaid, unseen and not regarded as work,

Taking note of the information from the United Nations Children's Fund and the International Labour Organization that if the domestic work of girls were counted, more girls would be found to be working than boys,

Noting with concern that the invisibility of girls' work often leads to a life-cycle of low self-esteem and status,

Deeply concerned about the cultural acceptance of very young girls working as domestic servants and their deprivation of educational opportunities, and that the hidden nature of their work makes them vulnerable to sexual abuse,

1. Welcomes the proposal for new international labour standards on intolerable forms of child labour;

2. Urges the International Labour Organization when defining intolerable forms of child labour as part of the new labour standards it is preparing, to consider the situation of girls doing domestic work;

3. Calls upon States to eliminate all discrimination against girls in education, skills development and training;

4. Requests States to enforce laws and regulations which ensure that no girl of primary-school age is employed as a domestic;

5. Invites the international community to cooperate in developing viable alternatives to child labour, in particular for young girls.

10. Debt Bondage and Bonded Labour

The Working Group on Contemporary Forms of Slavery,

Underlining the interest in the problem of debt bondage long demonstrated on the part of the Working Group,

Recognizing that debt bondage is specifically forbidden by the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Recognizing also that some 20 million people are still held in debt bondage around the world,

Concerned that the issue of debt bondage has not been addressed effectively at the international level,

Aware that existing laws against and international agreements concerning debt bondage are not being implemented effectively,

1. Notes with satisfaction with satisfaction that some countries have taken action to end debt bondage, the rehabilitation programmes of the Government of India and the special investigative team authorized by the Government of Brazil being good examples;

2. Urges States to enact specific legislation to define the offence of debt bondage and to provide for the punishment of those responsible and for the rehabilitation of the victims;

3. Also urges States to support rehabilitation of the victims of debt bondage through economic, social and educational programmes;

4. Recommends that the countries in which debt bondage occurs be invited to attend the Working Group in order to facilitate dialogue and the consideration of best practice;

5. Invites the International Labour Organization, the World Bank, the International Monetary Fund, the World Trade Organization and other international bodies to consider debt bondage when they establish their policies;

6. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

7. Invites international bodies to investigate the role of micro-credit as a mechanism for the eradication of debt bondage;

8. Expresses its deep appreciation to the States and non-governmental organizations which have developed and generously contributed to programmes supporting the economic and social rehabilitation of bonded labourers;

9. Decides that it will consider the question at its twenty-fourth session in 1999 and that debt bondage will be its primary focus at its twenty-fifth session in 2000.

11. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

The Working Group on Contemporary Forms of Slavery,

Concerned at the persistence and growth of the sale of children, child prostitution and child pornography, and aware of the necessity of combating these phenomena,

Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to report thereon to the Commission on Human Rights at its fifty-sixth session and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifty-second session.

12. Miscellaneous

The Working Group on Contemporary Forms of Slavery,

1. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to their replies being considered at forthcoming sessions of the Working Group;

2. Appeals to all Governments to send observers to the meetings of the Working Group;

3. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

4. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

5. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

6. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

7. Again welcomes the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery;

8. Again requests the Secretary-General to designate the Office of the High Commissioner for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system on the suppression of contemporary forms of slavery;

9. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/2 of 14 August 1992, that the arrangements regarding the organization of the sessions of the Working Group, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

10. Recommends that the Sub-Commission, in arranging its agenda, make provision for adequate discussion of the reports of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

Annex

PROVISIONAL AGENDA FOR THE TWENTY-FOURTH SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY

1. Election of officers.

2. Adoption of the agenda.

3. Suppression of the traffic in persons and the exploitation of the prostitution of others.

4. Review of the implementation of and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the struggle against corruption as a promoting factor of contemporary forms of slavery:

   (a) Economic exploitation:

      (i) Domestic and migrant workers;

      (ii) Bonded labour;

      (iii) Child labour;

      (iv) Forced labour;

   (b) Sexual exploitation:

      (i) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography;

6. Other forms of exploitation:

   (a) Illegal activities of certain religious and other sects;

   (b) Incest and sexual abuse of children;

   (c) Illegal and pseudo-legal adoptions aimed at exploitation of children;

   (d) Traffic in human organs and tissues;

(e) Activities of the Special Rapporteur on violence against women;

(f) Paedophilia;

(g) Miscellaneous: slavery-like practices in armed conflicts.

7. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

8. Adoption of the report of the Working Group to the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-fourth session.

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Sub-Commission on Prevention of
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Fiftieth session
Item 7 of the provisional agenda

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Indigenous people and their relationship to land

Progress report on the working paper prepared by Mrs. Erica-Irene Daes, Special Rapporteur

1. The Commission on Human Rights at its fifty-third session, by its decision 1997/114 of 13 April 1997, taking note of resolution 1996/38 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approved the appointment of Mrs. Erica-Irene Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address problems relating to indigenous peoples and land.

2. The preliminary working paper was completed by the Special Rapporteur, Mrs. Erica-Irene Daes (E/CN.4/Sub.2/1997/17, 20 June 1997 and Corr.1). The preliminary working paper was written with the intention of examining the problems which exist regarding indigenous land issues, with a view to contributing to increased understanding between indigenous peoples and States concerning land issues, providing information and analysis that could contribute to the just resolution of these issues, and with the hope of facilitating the understanding of the provisions relevant to land rights contained in the draft United Nations declaration on the rights of indigenous peoples (Sub-Commission resolution 1994/45, annex). Special attention has been given to identifying and examining practical measures to address ongoing problems relating to indigenous peoples and land.

3. By its resolution 1997/12, the Sub-Commission, at its forty-ninth session, requested the Secretary-General to transmit the preliminary working paper to governments, indigenous peoples and intergovernmental and non-governmental organizations, as soon as possible, for their comments and suggestions and requested the Special Rapporteur to prepare her final working paper on the basis of comments and information received from governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its sixteenth session and to the Sub-Commission at its fiftieth session. In March, 1998, the Secretariat solicited comments and suggestions from Governments, indigenous peoples and others (G/SO 234 (18-13) JB, 11 March 1998 and G/SO 234 (18-13) JH 13 March 1998).

4. Owing perhaps to the shortness of time, few responses, comments or other submissions have been received. To date, only four States have responded, though they have provided excellent and very helpful information, analysis, and criticism of the preliminary working paper. Eleven indigenous peoples' organizations or organizations associated with indigenous peoples have responded, some with extensive and useful information. The Special Rapporteur is extremely grateful for all of these helpful contributions.

5. Because so few replies have been received and because these responses have been received so late, it has been impossible to prepare the final working paper based upon the comments and suggestions received. The Special Rapporteur expects and hopes that additional suggestions, observations and information will be submitted by States, indigenous peoples' organizations, intergovernmental organizations, and non-governmental organizations. Accordingly, the Special Rapporteur is obliged to submit this progress report at this time, having in mind that the final working paper will be completed and submitted next year.

6. Helpful and extensive comments and information were submitted by the Governments of Canada, Australia and New Zealand. A brief but helpful comment was submitted by the Government of Denmark. The Special Rapporteur is particularly grateful for the extensive comments, suggestions and detailed information provided by the Government of Canada. Since the preliminary working paper was written there have been significant developments that are being given careful attention for inclusion in the final working paper, particularly the decision of the Supreme Court of Canada in Delgamuukw v. The Queen, December 1997. This decision and others in Canada will be given further attention in order to assure that changes in the law are accurately reflected.

7. The Government of Canada has also referred to or provided information about a number of government policies, mechanisms, and agreements relevant to indigenous land issues. Information about progress in land claim negotiations, about constitutional reform and legislation, and about land settlements was also submitted. All of this information, along with the comments and the suggestions of the Government are being given careful attention for the preparation of the final working paper.

8. The Government of Australia provided very useful observations and analysis relating to the issue of extinguishment of indigenous land rights, particularly in relation to the Mabo decision and the Native Title Amendment

bill. The Government also provided helpful observations concerning Native land claims and stated that it will provide information on the functions of the Native Title Tribunal and the facilities in the Native Title Act of 1993 for agreements between governments and Native title holders. The Special Rapporteur looks forward to receiving and studying this information.

9. The Government of New Zealand, by its letter of 25 June 1998, made a number of helpful suggestions, corrections and observations. These included information about the legal character of the Treaty of Waitangi and about the work of the Waitangi Tribunal in considering Maori land claims. Other useful written information was submitted, including information relating to the Sites of Significance (Sacred Sites) policy.

10. Some of the indigenous organizations that responded provided specific, factual information about land issues in various parts of the world. One submission from an organization in Nepal pointed out the integral relationship that can exist between an indigenous land tenure system and indigenous culture or people. This topic is being given further attention.

11. Several submissions provided further examples from Africa, Asia, the Americas and the Pacific of the widespread problems indigenous peoples experience in relation to lands. Some of these problems are related to the apparent failure to recognize or acknowledge the existence of indigenous peoples, the absence of the rule of law, in some situations, in relation to lands of indigenous peoples and, often, the failure to demarcate indigenous lands.

12. Some recommendations of indigenous organizations, like two of the State submissions, included the recommendation that more positive examples be presented of successful measures to resolve indigenous land issues. The Special Rapporteur welcomes this recommendation particularly and appeals to Governments, indigenous peoples, intergovernmental organizations and non-governmental organizations to provide factual information about such measures especially measures that could be adopted in other countries.

13. The Special Rapporteur is giving attention to certain significant developments that appear to have an important bearing on the relationship of indigenous peoples to land. These developments include the case mentioned earlier that was decided in December 1997, Delgamuukw v. The Queen.

14. The Special Rapporteur has also received preliminary information from the Inter-American Commission on Human Rights about the first friendly settlement in the Inter-American human rights system which restores legitimate land rights to an indigenous community. The settlement agreement, which arose out of a case before the Inter-American Commission, was between the Republic of Paraguay and an indigenous organization, Tierra Viva, and it benefits the indigenous communities of Lamenxay and Riachito. This settlement deserves further study for its relevance to the final working paper.

15. Another significant development is the recent filing of a case before the Inter-American Court of Human Rights that concerns the extent of States' obligations to protect and respect indigenous lands and to protect the environment. The case concerns the failure of the Government of Nicaragua to

demarcate or otherwise secure the land rights of the Indian community of Awas Tingni and the granting by the Government of a logging concession on Awas Tingni lands without consultation with the community and without the consent of the community. This case may result in significant judicial rulings on the nature of Indian land rights and the obligations of states under the American Convention on Human Rights and customary international law.

16. Another case that the Special Rapporteur is following is the case of two Western Shoshone Indian women against the United States before the Inter-American Commission on Human Rights. The case raises the issue of a State's power to extinguish Indian land title without payment of fair market compensation and by the use of allegedly discriminatory procedures. The Indian women are challenging government actions to prevent them from using lands that are claimed as the aboriginal lands of the Western Shoshone Nation. The case calls upon the Commission to decide a number of fundamental issues about indigenous land ownership and the power of States. Accordingly, the case may be important to the final working paper.

17. In the final working paper, the Special Rapporteur intends to give additional consideration to the problems relating to indigenous land rights and land claims from the point of view of countries, that is, State governments. The Special Rapporteur particularly requests information and analysis from States, so that the interests and needs of States can be properly considered as they may affect indigenous land rights.

18. As a preliminary analysis, the issues from the point of view of States might be as follows:

(a) How can indigenous land rights and claims be reconciled with the need for certainty and security in land titles?

(b) Is the need to avoid ruinous financial liability for past actions in derogation of indigenous land rights inconsistent with recognizing indigenous land rights today?

(c) What are the best means for having a claim process that avoids overlapping and unending claims?

(d) How can a regime of indigenous land or territory be integrated with the goal of a functional and stable nation-state?

(e) Is recognition of indigenous land rights inconsistent with the need for a national resource base for development, defence and other fundamental State needs?

19. States, indigenous peoples, and other are especially encouraged to point out further issues that are of particular concern to States in relation to questions of indigenous lands, and are encouraged to provide further clarification or elaboration of these issues. Most of all, for the usefulness of this working paper, the analysis, information and recommendations of member States are needed.

20. The Special Rapporteur calls attention to the importance of gathering further information and carrying out further research to bring up to date and further elaborate the subjects covered in the preliminary working paper and to add further subjects as discussed in this progress report. Special attention must be given to situations that appear most grave and to positive measures that appear most promising. For this work to be completed constructively, adequate assistance should be provided to the Special Rapporteur by the Secretary-General.

21. In addition to the responses from the Governments of Australia, Canada, New Zealand and Denmark, the following organizations and individuals submitted comments and information:

Amerindian Action Movement of Guyana
Asociación Coordinadora de Comunidades Indígenas de El Salvador
Central de Comunidades Nativas de la Selva Central (Perú)
Grand Council of the Crees (Canada)
Indian Institute of Social Work (India)
Indian Law Resource Center (United States of America)
Kayombya Jean Damascene (Netherlands)
Kirat Yakthung Chumlung (Nepal)
Papua New Guinea Council of Churches
Samiraddi (Sami Council) (Finland)
Teobaldo Noe Melgar, Cacique Mayor Consejo Central Yuracaré
and, Bernardo Toranzo C., Director Proyecto "Munay".